

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1202**

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**Introduced by Assembly Member Skinner  
(Coauthor: Assembly Member Ammiano)**

February 22, 2013

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An act to add Section 144.8 to the Labor Code, relating to occupational safety and health standards.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1202, as amended, Skinner. Occupational safety and health standards: hazardous drugs.

Under existing law, the Occupational Safety and Health Standards Board within the Department of Industrial Relations promulgates occupational safety and health standards for the state, including standards dealing with toxic materials and harmful physical agents. Violations of these standards and regulations is a crime.

This bill would require the board to adopt a standard for the handling of antineoplastic ~~and other hazardous~~ drugs, as defined, in health care facilities regardless of the setting. The bill would require the standard to be consistent with and not exceed specific recommendations adopted by the National Institute for Occupational Safety and Health for preventing occupational exposures to those drugs in health care settings. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares the following:

2     (a) Health care personnel who work with or near hazardous  
3     drugs in health care settings may be exposed to these agents in the  
4     air, on work surfaces, clothing, and medical equipment, or through  
5     patient contact.

6     (b) According to the National Institute for Occupational Safety  
7     and Health (NIOSH), early concerns about occupational exposure  
8     to antineoplastic drugs first appeared in the 1970s. Antineoplastic  
9     ~~and other hazardous~~ drugs may cause skin rashes, infertility,  
10    miscarriages, and birth defects, and have been linked to a wide  
11    variety of cancers.

12    (c) In 2004, the NIOSH published an alert on preventing  
13    occupational exposures to antineoplastic ~~and other hazardous~~ drugs  
14    in health care settings, and updated that alert in 2010. In this alert,  
15    the NIOSH “presents a standard precautions or universal  
16    precautions approach to handling hazardous drugs safely: that is,  
17    NIOSH recommends that all hazardous drugs be handled as  
18    outlined in this Alert.”

19    (d) It is the intent of the Legislature to require the Occupational  
20    Safety and Health Standards Board to adopt standards ~~that require~~  
21    ~~health care facilities to comply with all aspects of~~ *consistent with*  
22    the NIOSH alert regardless of the setting in order to protect health  
23    care personnel from hazardous exposure to these drugs.

24    SEC. 2. Section 144.8 is added to the Labor Code, to read:

25    144.8. (a) As used in this section the following definitions  
26    shall apply:

27    (1) “Antineoplastic drug” means a chemotherapeutic agent that  
28    controls or kills cancer cells.

29    ~~(2) “Hazardous drug” means any drug identified by the National~~  
30    ~~Institute for Occupational Safety and Health at the federal Centers~~

1 ~~for Disease Control and Prevention or any drug that meets at least~~  
2 ~~one of the following six criteria: carcinogenicity, teratogenicity or~~  
3 ~~developmental toxicity, reproductive toxicity in humans, organ~~  
4 ~~toxicity at low doses in humans or animals, genotoxicity, or new~~  
5 ~~drugs that mimic existing hazardous drugs in structure or toxicity.~~

6 (3)

7 (2) “NIOSH” means the National Institute for Occupational  
8 Safety and Health.

9 (b) The board shall adopt an occupational safety and health  
10 standard for the handling of antineoplastic ~~and other hazardous~~  
11 drugs in health care facilities regardless of the setting. In  
12 developing the standard, the board shall consider input from  
13 hospitals, practicing physicians from impacted specialties,  
14 including oncology, organizations representing health care  
15 personnel, including registered nurses *and pharmacists*, and other  
16 stakeholders, and shall determine a reasonable time for facilities  
17 to implement new requirements imposed by the adopted standard.  
18 The standard, to the extent feasible, shall be consistent with and  
19 not exceed recommendations in the NIOSH 2004 alert entitled  
20 “Preventing Occupational Exposures to Antineoplastic and Other  
21 Hazardous Drugs in Health Care Settings,” as updated in 2010.  
22 The standard may incorporate applicable updates and changes to  
23 NIOSH guidelines.

24 SEC. 3. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 the only costs that may be incurred by a local agency or school  
27 district will be incurred because this act creates a new crime or  
28 infraction, eliminates a crime or infraction, or changes the penalty  
29 for a crime or infraction, within the meaning of Section 17556 of  
30 the Government Code, or changes the definition of a crime within  
31 the meaning of Section 6 of Article XIII B of the California  
32 Constitution.